

LAMONICA HERBST & MANISCALCO, LLP

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June 21, 2019

BY ELECTRONIC MAIL

Honorable Robert D. Drain
United States Bankruptcy Court
Southern District of New York
300 Quarropas Street, Room 248
White Plains, New York 10601-4140

In re RS Old Mill, LLC

Chapter 7

Case No.: 17-22218 (RDD)

RS Old Mill, LLC v. Suffern Partners LLC, et al.

Adv. Pro. No.: 19-08243 (RDD)

Dear Judge Drain:

We write on behalf of Marianne T. O'Toole, the Chapter 7 Trustee ("Trustee") of the estate of RS Old Mill, LLC ("Debtor") in connection with the following matters on the Court's calendar for June 25, 2019:

- i. Suffern Partners LLC's motion for *nunc pro tunc* approval of sale of Debtor's assets [Doc. No. 86], joinder of Bridgewater Capital Partners, et al. [Dkt. No. 89], Debtor's objection [Dkt. No. 95], reply of Suffern Partners, LLC [Dkt. No. 97], Declaration of Thomas C. Landrigan [Dkt. No. 111], and Supplemental Submission of Suffern Partners LLC [Dkt. No. 112];
- ii. Suffern Partners LLC's motion to dismiss the adversary proceeding [Adv. Pro. Dkt. No. 8], Debtor's omnibus objection [Adv. Pro. Dkt. No. 25], and reply of Suffern Partners LLC [Adv. Pro. Dkt. No. 26];
- iii. CPIF Lending, LLC's motion to dismiss the adversary proceeding [Adv. Pro. Dkt. No. 13], Debtor's omnibus objection [Adv. Pro. Dkt. No. 25], and reply of CPIF Lending, LLC [Adv. Pro. Dkt. No. 30];
- iv. David Fleischmann's motion to dismiss the adversary proceeding [Adv. Pro. Dkt. No. 27]; and
- v. Thomas Landrigan's motion to dismiss the adversary proceeding [Adv. Pro. Dkt. No. 29].

As the Court is aware, the Debtor's case was recently converted to one under Chapter 7 of the Bankruptcy Code and the Trustee was appointed two weeks ago. The Trustee, with the assistance of her counsel, has been working diligently since her appointment to, among other things, familiarize herself with the case, confer with interested parties, review and analyze the issues raised by the interested parties, and to conduct discovery in connection therewith. At this juncture, there has been insufficient time for the Trustee to complete a meaningful analysis.

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Moreover, the pleadings filed on June 19, 2019 raise any number of issues that go to the fundamental nature of the disputes among the parties in this case. See Dkt. Nos. 111, 112.

Due to the multiple and significant issues raised in the pleadings, coupled with the Trustee's recent appointment, we write to respectfully request that all matters scheduled for June 25, 2019 be adjourned to a date in mid-July that is convenient for the Court. In the alternative, the Trustee respectfully requests that the Court schedule an emergency teleconference with the parties.

Thank you for your consideration.

Respectfully submitted,

/s/ Holly R. Holecek

Holly R. Holecek

HRH/bhs

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